

## **DECISION MEMORANDUM**

**TO: COMMISSIONER ANDERSON  
COMMISSIONER HAMMOND  
COMMISSIONER LODGE  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: CHRIS BURDIN  
DEPUTY ATTORNEY GENERAL**

**DATE: MARCH 21, 2023**

**SUBJECT: IN THE MATTER OF UNITED ELECTRIC CO-OP INC.'S FORMAL  
COMPLAINT FOR VIOLATION OF CONTRACT ENTERED INTO  
PURSUANT TO THE IDAHO ELECTRIC STABILIZATION ACT; CASE  
NO. C15-E-23-01.**

On February 22, 2023, United Electric Co-op, Inc. ("United") filed a formal complaint ("Complaint") with the Idaho Public Utilities Commission ("Commission"). United alleges that the City of Burley, Idaho ("Burley" or "City"), violated a series of service agreements ("Agreements") related to the allocation of the respective electric service territory and customers by and between the City and United, which were entered into pursuant to the Idaho Electric Stabilization Act ("ESSA"), and that have been approved by order of the Commission. Specifically, United's Complaint concerns the construction of a milk processing facility ("Facility") that is being built by Suntado, LLC ("Suntado"). United states that the Facility is wholly within United's service territory.

United requests that the Commission issue an order: (1) prohibiting the City from engaging in further acts in violation of the Agreements; (2) prohibiting the City from providing electric service to the Facility; and (3) requiring the City to remove all electrical connections, facilities and/or equipment installed to serve the Facility.

### **RECOMMENDATION**

Commission Staff ("Staff") recommends the Commission issue a Summons to the City directing it to answer or otherwise respond to the Complaint within twenty-one (21) days. Staff also recommends the Commission allow fourteen (14) days for Staff and United to reply to the City's answer.

## COMMISSION DECISION

1. Does the Commission wish to issue a Summons to the City directing it to answer or otherwise respond to the Complaint within twenty-one (21) days?
2. Does the Commission wish to allow Staff and United fourteen (14) days to respond to the City's answer?

A handwritten signature in cursive script that reads "Chris Burdin". The signature is written in black ink and is positioned above a horizontal line.

Chris Burdin  
Deputy Attorney General

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